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09/870,210	05/30/2001	Scott Wolinsky	IT/02	7821

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EXAMINER

NGUYEN, DAT

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/870,210

Applicant(s)

WOLINSKY, SCOTT

Examiner

Dat T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) See Continuation Sheet is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,2,4,7-11,17,18,20,23-27,33-35,37,41,45-47,49,53,81-83,85,88,89,91,95-97,99,102,103,105,109,110,112-118,120-128,130-135,137-141,143-147 and 149-155.

Continuation of Disposition of Claims: Claims rejected are 1,2,4,7-11,17,18,20,23-27,33-35,37,41,45-47,49,53,81-83,85,88,89,91,95-97,99,102,103,105,109,110,112-118,120-128,130-135,137-141,143-147 and 149-155.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/02/2007 has been entered.

Response to Amendment

This office action is responsive to the amendments filed on 04/02/2007 in which applicant amends claims 1, 9, 10, 17, 25, 26, 33, 45, 81, 95, 109, 117, 121, 122, 123, 125, 132, 139, 145, 151, 152, 154 and 155, cancels claims 13 and 29, and responds to claim rejections. Claims 1, 2, 4, 7-11, 17, 18, 20, 23-27, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147 and 149-155 are pending.

Claim Objections

Claim 45 is objected to because of the following informalities: The claim recites, "the signal being configured to be received and decoded y said remote terminals," examiner believes the "y" is a typographical error wherein applicant had intended to type "by". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 7-9, 11, 17, 18, 20, 23-25, 27, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Online Monopoly in view of Tanskanen (US 6,579,184), Celona (US 5,564,700) and Stancill (US 4,421,314).

Online Monopoly teaches:

Regarding Claims 1, 17, 33, 45, 81, 83, 95, and 97:

- randomly determining at said one terminal (simulated die roll), a signal representing said outcome to send to each other terminal of said plurality of terminals for display (the player's token will be highlighted and moved on the screen); and
- displaying a game accessory (simulated die) at each terminal of the plurality of terminals, wherein the game accessory displayed at said each terminal of the plurality of terminals indicates the outcome and identifies the player who inputted the instruction (the player's token will be highlighted and moved on each player's screen for each turn).

Regarding Claims 4, 20, 37, 49, 85, and 99:

- said displayed outcome simulates a game accessory (simulated die).

Regarding Claims 9, 25, 33, and 45:

- defining a plurality of identifiers (player's token) use to differentiate between said terminals;
- determining at each of said terminals, from which terminal said signal originated (when it is the player's turn, their respective token will be highlighted and moved upon clicking the roll dice button); and
- indicating at each of said terminals, said outcome and originating terminal identifier (player's token moves upon clicking the roll dice button).

The prior art fails to explicitly disclose generating random outcomes at the terminals. Celona teaches a system of games terminals linked over a network wherein each terminal has means for randomly generating game outcomes and wherein when a specific jackpot outcome is made, a signal is sent to other machines to indicate such an outcome (4:28-35, abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide random outcome determinations at each terminal as oppose to having said outcome generated at a host machine. One would be motivated to combine the individual determination with the combination of the prior art because simple random determinations made at each machine would free up server resources and so server resources can be better utilized performing other functions or to eliminate the need for a server.

Regarding Claims 1, 2, 17, 18, 33, 35, 41, 45, 47, 53, 81, 82, 83, 91, 95, 96, 97, 105, and 155:

Although Online MONOPOLY® teaches the play of the game over a LAN or Internet, it does not explicitly disclose identifying one or more remote terminals for a game by utilizing one or

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more stored numbers associated with said one or more remote terminals. However, such limitations are considered to be obvious since all games played over a network require the use of some identification number such as an IP address so that machines know where to send information. Such features are necessary for all working LAN or internet systems (TCP/IP). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize the user's IP address to identify player actions and keep track of the turn of the game. Such limitations are essential for the basic functions of the game and therefore obvious to one of ordinary skill to implement. Furthermore a network communicating using LAN, internet or TCP/IP protocol would also be configured to be received and decoded by the gaming terminals.

Regarding Claims 7, 8, 23, and 24:

The prior art is silent regarding said signal is an inband signal transmitted over said communications link. Tanskanen teaches the use of such inband signals and DTMF signals for transmitting game information in a multiplayer game (Column 2, lines 1-5, Column 1, line 63-Column 3, line 21, Column 3, lines 45-58, and Claims 1-3). The DTMF player input signals transmitted and received by said player and other player's game devices are "inband" signals. Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize Tanskanen's DTMF signal to transmit game data between game machines.

Additionally, Stancill, like Online MONOPOLY® teaches of a board game apparatus that further distinguishes player pieces, chips, and die by having different color player pieces, chips, and die for each player. Stancill suggests:

Regarding Claims 11, 27, 34, and 46:

- each identifier is represented by a different color emitted by one or more LED's (Column 3, lines 40-57). Stancill distinguishes player pieces, chips, and die by having different color player pieces, chips, and die for each player.

It would have been obvious at the time of Applicant's invention to play an Online MONOPOLY® boardgame on Tanskanen multi-player game system utilizing Stancill's player distinguishing features. One would be motivated to do so since MONOPOLY® is a historically popular game and also to enhance the graphics on the display screen to make it easier for player's to distinguish between game tokens.

Regarding claims 89 and 103, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious for a player to place a bet based on the outcome of the die before each turn with Online MONOPOLY® and Tanskanen. One would be motivated to do so because this would provide a side game making the main game more exciting.

Claims 10, 26, 114, 122, 126, 133, and 140 are rejected under 35 U.S.C. 103(a) as being unpatentable over Online MONOPOLY® in view of Tanskanen, Celona and Stancill and further in view of Teshima et al. (U.S. 5,273,288).

Tanskanen in view of Online MONOPOLY® and Stancill teaches that as discussed above regarding claims 1, 2, 4, 7-9, 11, 13, 17, 18, 20, 23-25, 27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155. Although Tanskanen

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discloses transmitting synthesized voice or other sounds to players, Online MONOPOLY® in view of Tanskanen, Celona and Stancill seems to lack explicitly teaching:

Regarding Claims 10, 26, 114, 122, 126, 133, and 140:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link.

Teshima et al., like Tanskanen, Online MONOPOLY®, Celona and Stancill, teaches of game(s) that can be played over a communications line, such as, a telephone line. Therefore, Tanskanen, Online MONOPOLY®, Stancill and Teshima et al. are analogous art. Furthermore, Teshima et al. teaches each player has a game board that is connected to a telephone line such that one player can play a game against another player in real-time over a telephone line.

Teshima et al. additionally teaches:

Regarding Claims 10, 26, 114, 122, 126, 133, and 140:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link (column 3, lines 10-21).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Teshima's communication feature in Online MONOPOLY® in view of Tanskanen, Celona and Stancill. One would be motivated to do so because enabling players to converse during the game makes the game more entertaining a personally interactive.

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Claims 88 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Online MONOPOLY® in view of Tanskanen, Celona and Stancill and further in view of Mckay et al. (U.S.Pub. 2002/0082067).

The prior art teaches that as discussed above regarding claims 1, 2, 4, 7-9, 11, 13, 17, 18, 20, 23-25, 27, 29, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 89, 91, 95-97, 99, 103, 105, 109, 110, 112, 113, 115-118, 120, 121, 123-125, 127, 128, 131, 132, 134, 135, 137-139, 141, 143-145, 147, and 149-155. However, the prior art seems to lack explicitly teaching:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer.

Mckay et al. teaches of a trivia board game played on a personal computer. Mckay et al. Tanskanen, Online MONOPOLY® and Stancill are analogous art since each teach of board games. Mckay et al. teaches:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer (13) (fig. 1).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Mckay's timer in Online MONOPOLY® in view of Tanskanen, Celona and Stancill. One would be motivated to do so to place a limit on the amount of time a player has to decide whether to purchase a property the player has landed on during their turn.

Response to Arguments

Applicant's arguments filed 04/02/2007 have been fully considered but they are not persuasive.

Applicant alleges the prior art fails to utilize stored numbers in identifying one or more remote terminals. The examiner respectfully disagrees. Contrary to the implementation given by applicant using stored cell phone numbers, stored numbers can encompass many things, one of which being IP addresses for machines located on a network. IP addresses are necessary for machines on a network utilizing TCP/IP protocol. Such addresses are used for identifying machines on a network much like the address to a house or a telephone number to a phone line wherein the address is used to identify and coordinate machine activity.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen


Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714